

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-1833

TSEGAYE TADESSE,

Petitioner,

versus

U.S. IMMIGRATION & NATURALIZATION SERVICE;
JOHN ASHCROFT,

Respondents.

On Petition for Review of an Order of the Board of Immigration Appeals. (A-28-244-525)

Submitted: March 26, 2003

Decided: April 28, 2003

Before WILKINSON, NIEMEYER, and TRAXLER, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Gabriela S. Gergely, David A. Garfield, LAW OFFICE OF DAVID GARFIELD, Washington, D.C., for Petitioner. Robert D. McCallum, Jr., Assistant Attorney General, Terri J. Scadron, Assistant Director, Leslie M. McKay, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondents.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Tsegaye Tadesse seeks review of the Board of Immigration Appeals' ("Board") decision and order affirming the immigration judge's denial of his motion to reopen immigration proceedings for consideration of his asylum application. Our review of the record discloses that the Board properly upheld the immigration judge's denial of the motion to reopen and that this petition is without merit. Accordingly, we deny the petition for review on the reasoning of the Board. See Tadesse v. INS, No. A-28-244-525 (B.I.A. July 15, 2002).^{*} We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED

^{*} Because Tadesse did not appeal the immigration judge's removal order to the Board, we cannot consider his claim that the immigration judge erred in deeming his first asylum application abandoned. See Stewart v. INS, 181 F.3d 587, 595-96 (4th Cir. 1999); Farrokhi v. INS, 900 F.2d 697, 700 (4th Cir. 1990).